

108TH CONGRESS
2D SESSION

S. 2301

To improve the management of Indian fish and wildlife and gathering resources, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 7, 2004

Mr. INOUE introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To improve the management of Indian fish and wildlife and gathering resources, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Native American Fish and Wildlife Resources Manage-
6 ment Act of 2004”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
8 this Act is as follows:

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.

Sec. 102. Purposes.

Sec. 103. Definitions.

TITLE II—TRIBAL FISH AND WILDLIFE PROGRAMS

- Sec. 201. Management of Tribal Fish and Wildlife Programs.
 Sec. 202. Education in Tribal Fish and Wildlife Resource Management.
 Sec. 203. Tribal Fish Hatchery Assistance Program.

TITLE III—ALASKA NATIVE FISH AND WILDLIFE PROGRAMS

- Sec. 301. Management of Native Fish and Wildlife Programs in Alaska.
 Sec. 302. Subsistence Resources and Management Planning.
 Sec. 303. Alaska Native Seafood and Resource Marketing Assistance Program.

TITLE IV—TRIBAL SEAFOOD AND RESOURCE MARKETING
ASSISTANCE PROGRAM

- Sec. 401. Establishment of Tribal Seafood and Resource Marketing Assistance Program.
 Sec. 402. Market Development Loan and Grants Program.

TITLE V—TRIBAL BUFFALO CONSERVATION AND MANAGEMENT
[to be developed]

TITLE VI—MISCELLANEOUS PROVISIONS.

- Sec. 601. Authorization of Appropriations.
 Sec. 602. Regulations.
 Sec. 603. Savings.
 Sec. 604. Severability.

1 TITLE I—GENERAL PROVISIONS**2 SEC. 101. FINDINGS.**

3 Congress finds that—

4 (1) the United States and Indian tribes have a
5 government-to-government relationship;

6 (2) Indian tribes exercise governmental author-
7 ity over their citizens and their lands, and retain all
8 aspects of their inherent sovereignty not explicitly
9 ceded to the United States;

10 (3) the wise use and sustainable management of
11 tribal fish and wildlife resources has a direct effect
12 on the economic security and health and welfare of
13 Indian tribes;

1 (4) Indian tribes retain the sovereign govern-
2 mental authority to exercise some aspects of civil ju-
3 risdiction over non-members on their reservations,
4 including the exercise of some aspects of civil juris-
5 diction on non-trust lands;

6 (5) Federal canons of construction require that
7 any modification of a treaty must be expressly pro-
8 vided for by the Congress;

9 (6) the United States has a trust responsibility
10 to protect, conserve, and manage tribal natural re-
11 sources, including fish and wildlife and gathering re-
12 sources, consistent with the rights reserved by In-
13 dian tribes as reflected in treaties and other agree-
14 ments with the United States, and judicial decrees;

15 (7) the United States trust responsibility ex-
16 tends to all Federal agencies and departments, and
17 absent a clear expression of Congressional intent to
18 the contrary, the United States has a duty to admin-
19 ister Federal fish and wildlife conservation laws and
20 resource management programs in a manner con-
21 sistent with its fiduciary obligation to honor and
22 protect the rights reserved by Indian tribes as re-
23 flected in treaties and other agreements with the
24 United States, and judicial decrees;

1 (8) Federal statutes and regulations affecting
2 tribal fish and wildlife resources and management
3 activities shall be interpreted in accordance with
4 long-standing principles of Federal-Indian law, stat-
5 utes, and judicial decrees which inform the relation-
6 ship between Indian tribal governments and the
7 United States;

8 (9) the United States recognizes that fish and
9 wildlife resources located on tribal lands, in regional
10 tribal resource management areas, and in ceded ter-
11 ritory in which hunting, fishing, and gathering
12 rights reserved by Indian tribes in treaties and other
13 agreements with the United States, and in judicial
14 decrees, continue to provide sustenance, cultural en-
15 richment, and economic stability for Indian tribes
16 through employment in resource management occu-
17 pations;

18 (10) Indian tribal governments retain sovereign
19 governmental authority and jurisdiction to regulate
20 hunting and fishing activities on tribal lands as well
21 as governmental authority to regulate the hunting
22 and fishing activities of tribal citizens on lands out-
23 side of reservation boundaries;

24 (11) Indian tribal governments serve as co-
25 managers of fish and wildlife resources with govern-

1 ments of other tribes, States, and the United States,
2 sharing management responsibilities for fish and
3 wildlife resources pursuant to treaties and agree-
4 ments with the United States, statutes, and judicial
5 decrees;

6 (12) since time immemorial, Indian cultures, re-
7 ligious beliefs and customs have centered around
8 their relationships with fish, wildlife, and gathering
9 resources, and Indian people have relied on these re-
10 sources for food, shelter, clothing, tools, and trade;

11 (13) Indian fish and wildlife resources are re-
12 newable and manageable natural resources that are
13 among the most valuable tribal assets and which are
14 vital to the well-being of Indian people;

15 (14) Indian lands contain millions of acres of
16 natural lakes, woodlands, and impoundments, thou-
17 sand of perennial streams, and tens of millions of
18 acres of wildlife habitat;

19 (15) Indian and Alaska Native fish and wildlife
20 programs contribute significantly to the conservation
21 and enhancement of fish, wildlife, and gathering re-
22 sources, including those resources which are classi-
23 fied as threatened or endangered;

24 (16) Federal, State, and tribal fish hatcheries
25 produce tens of millions of salmon, steelhead, wall-

1 eye, and other fish species annually, benefitting both
2 Indian and non-Indian sport and commercial fish-
3 eries in the United States and Canada, and serving
4 Indian subsistence and ceremonial needs;

5 (17) Indian reservations and Alaska Native
6 communities continue to suffer from the highest
7 rates of unemployment in the nation, and the cur-
8 rent economic infrastructure and capital base of
9 many tribes and Native communities does not pro-
10 vide adequate support to take advantage of economic
11 opportunities;

12 (18) comprehensive and improvement manage-
13 ment of Indian fish and wildlife resources will yield
14 greater economic returns, enhance Indian self-deter-
15 mination, strengthen tribal self-governance, promote
16 employment opportunities, and improve the social,
17 cultural, and economic well-being of Indian and
18 neighboring communities;

19 (19) the United States has a responsibility to
20 provide assistance to Indian tribes to—

21 (A) enable integrated management and
22 regulation of hunting, fishing, trapping, and
23 gathering activities on tribal lands, including
24 the protection, conservation, and enhancement
25 of resource populations and habitats upon

1 which the meaningful exercise of Indian rights
2 depend;

3 (B) develop integrated resource manage-
4 ment plans, cooperative management agree-
5 ments, and regulations addressing hunting,
6 fishing, trapping, and gathering activities on
7 tribal lands, including the protection, conserva-
8 tion, and enhancement of resource populations
9 and habitats upon which the meaningful exer-
10 cise of subsistence activities depend;

11 (C) maintain fish hatcheries and other fa-
12 cilities and structures required for the prudent
13 management, enhancement, and mitigation of
14 fish and wildlife resources; and

15 (D) assist Indian tribal governments in de-
16 veloping and enhancing economic opportunities
17 associated with the conservation and manage-
18 ment of fish and wildlife resources;

19 (20) the United States is committed to the goal
20 of supporting and enhancing tribal self-government,
21 tribal self-sufficiency, and the economic development
22 of Native communities as expressed through numer-
23 ous Federal statutes; and

24 (21) while the existing network of Federal laws
25 and programs provide a framework for the protec-

1 tion and management of Indian fish and wildlife re-
2 sources, gathering resources, and the operation and
3 maintenance of Indian fish production programs and
4 facilities, an integrated and comprehensive approach
5 to these programs will help to ensure the coordina-
6 tion of Federal agency activities with those of Indian
7 tribal governments as well as the efficiency and ef-
8 fectiveness of Federal and tribal government pro-
9 grams.

10 **SEC. 102. PURPOSES.**

11 The purposes of this Act are—

12 (1) to reaffirm and protect Indian hunting,
13 fishing, trapping, and gathering rights, and to pro-
14 vide for the conservation, prudent management, en-
15 hancement, orderly development, and wise use of the
16 resources upon which the meaningful exercise of In-
17 dian tribal rights depend;

18 (2) to enhance and maximize tribal capability
19 and capacity to meaningfully participate in man-
20 aging fish and wildlife resources for the continuing
21 benefit of Indian people, and in co-managing shared
22 resources for the benefit of the Nation, in a manner
23 consistent with the exercise of tribal hunting, fish-
24 ing, trapping, and gathering rights and the United
25 States trust responsibility to protect the rights re-

1 served by Indian tribes in treaties with the United
2 States and tribal resources;

3 (3) to support the Federal policy of Indian self-
4 determination and tribal self-governance by author-
5 izing and encouraging government-to-government re-
6 lations and cooperative agreements amongst Federal,
7 State, local, and tribal governments, as well as inter-
8 national agencies and commissions responsible for
9 multijurisdictional decision-making regarding fish
10 and wildlife resources;

11 (4) to authorize and establish an Indian Fish
12 Hatchery Assistance Program that may be adminis-
13 tered by Indian tribal governments to address Indian
14 hatchery needs and fulfill tribal co-management re-
15 sponsibilities;

16 (5) to authorize and establish an Indian Fish
17 and Wildlife Resource Management Education As-
18 sistance and Cooperative Research Unit Program to
19 promote and develop full tribal technical capability
20 and competence in managing fish and wildlife re-
21 source programs and to authorize the Secretary of
22 the Interior, the Secretary of Commerce, the Sec-
23 retary of Agriculture, and other Federal agencies to
24 enter into cooperative agreements with Indian tribal
25 governments and tribal organizations, colleges, uni-

1 versities, and nonprofit organizations for the admin-
2 istration of tribal fish and wildlife cooperative re-
3 search units;

4 (6) to establish a buffalo conservation and man-
5 agement program; and

6 (7) to authorize and establish an Indian Sea-
7 food and Resource Marketing Assistance Program
8 within the Department of Commerce, to provide as-
9 sistance to and support for the efforts of tribal gov-
10 ernments to develop and enhance domestic and
11 international markets for seafood, seafood products,
12 and other natural resources.

13 **SEC. 103. DEFINITIONS.**

14 For purposes of this Act—

15 (1) the term “Bureau” means the Bureau of
16 Indian Affairs within the U.S. Department of the
17 Interior;

18 (2) the term “ceded territory” means land
19 ceded by an Indian tribe or tribes in a treaty with
20 the United States upon which the tribe or tribes re-
21 tain hunting, fishing, and gathering rights;

22 (3) the terms “co-management” or “cooperative
23 management” mean a process involving two or more
24 governments or governmentally-chartered entities
25 jointly exercising their respective jurisdiction over or

1 responsibilities for the management or use of a fish
2 or wildlife resource during some phase of the life
3 cycle of that resource;

4 (4) the term “cooperative agreement” means a
5 written agreement entered into by two or more gov-
6 ernments or parties agreeing to work together to ac-
7 tively protect, conserve, enhance, restore, or other-
8 wise manage fish and wildlife resources;

9 (5) the term “Indian fish hatchery” means any
10 single-purpose or multi-purpose facility in which the
11 spawning, hatching, rearing, holding, caring for, or
12 stocking of fish takes place including related re-
13 search and diagnostic fish health facilities, and
14 which is—

15 (A) owned or operated by an Indian tribal
16 government, the Bureau of Indian Affairs, or
17 the U.S. Fish and Wildlife Service on Indian
18 lands;

19 (B) owned or operated by any government
20 agency pursuant to Federal statute and has as
21 one of its purposes the mitigation, compensa-
22 tion, restoration, or recovery of fish resources
23 subject to reserved tribal treaty rights and for
24 which an Indian tribe has entered into a coop-
25 erative agreement or for which an Indian tribe

1 has petitioned the administering agency to
2 enter into a cooperative agreement for the co-
3 management of fish resources;

4 (C) owned or operated by a State govern-
5 ment or a State institution of higher education,
6 and for which an Indian tribe or tribes have en-
7 tered into a cooperative management agree-
8 ment;

9 (6) the term “fish hatchery maintenance”
10 means work that is required at periodic intervals to
11 prolong the life of a fish hatchery, hatchery compo-
12 nents, and associated equipment, in order to prevent
13 the need for premature replacement or repair;

14 (7) the term “fish hatchery rehabilitation”
15 means non-cyclical work that is required to address
16 the physical deterioration and functional obsoles-
17 cence of a fish hatchery building, structure, or other
18 facility component, or to repair damage, or to repair
19 damage resulting from aging, natural phenomena,
20 and other causes, including work to repair, modify,
21 or improve facility components to enhance their
22 original function, the application of technological ad-
23 vances, and the replacement or acquisition of capital
24 equipment, such as, among others, fish distribution
25 tanks, vehicles, and standby generators;

1 (8) the term “forest land management activity”
2 has the same meaning given to such term in section
3 304(4) of the Indian Forest Resources Management
4 Act (25 U.S.C. 3103(4));

5 (9) the term “Indian” means a member of an
6 Indian tribe as defined in section 4 of the Indian
7 Self-Determination and Education Assistance Act
8 (25 U.S.C. 450b(d));

9 (10) the term “Indian fish and wildlife organi-
10 zation” means a commission, authority, or other en-
11 tity chartered by one or more Indian tribal govern-
12 ments for the purpose of representing or coordi-
13 nating tribal interests in pursuing resource manage-
14 ment or rights protection goals and strategies;

15 (11) the term “Indian fish and wildlife” means
16 any species of animal or plant life for which Indians
17 have a right to fish, hunt, trap, or gather for sub-
18 sistence, ceremonial, recreational, or commercial
19 purposes, or for which an Indian tribal government
20 has management or co-management responsibilities;

21 (12) the term “Indian lands” means all land
22 within the limits of any Indian reservation which is
23 held in trust by the United States, a former Indian
24 reservation in the State of Oklahoma, dependent In-
25 dian communities within the borders of the United

1 States whether within or without the limits of a
2 State, and all Indian allotments for which there is
3 a restriction against alienation;

4 (13) the term “Indian reservation” means any
5 reservation of land for an Indian tribe established
6 pursuant to treaties, Acts of Congress or Executive
7 Orders, public domain Indian allotments, former In-
8 dian reservations in Oklahoma, and dependent In-
9 dian communities within the borders of the United
10 States whether within or without the limits of a
11 State;

12 (14) the term “Indian tribe” means an Indian
13 tribe as defined in section 4 of the Indian Self-De-
14 termination and Education Assistance Act (25
15 U.S.C. 450b(e)), which is recognized as eligible for
16 the special programs and services provided by the
17 United States to Indians because of their status as
18 Indians;

19 (15) the term “integrated resource management
20 plan” means a plan developed pursuant to the proc-
21 ess used by a tribal government to assess resources
22 and to identify comprehensive management objec-
23 tives including the quality of life, production goals,
24 and landscape descriptions of all designated re-
25 sources that may include, but are not limited to,

1 water, fish, wildlife, forestry, agriculture, minerals,
2 recreation, community, and municipal resources, and
3 may include tribal codes and plans related to such
4 resources;

5 (16) the term “regional resource management
6 areas” means those areas in which an Indian tribal
7 government as a right to fish, hunt, gather, or trap
8 for subsistence, ceremonial, or commercial purposes,
9 or in which an Indian tribal government has man-
10 agement or co-management responsibilities;

11 (17) the term “reserved rights” means those
12 rights and authorities of an Indian tribal govern-
13 ment retained by the Indian tribe in treaties with
14 the United States, including the right to continue to
15 harvest natural resources within ceded lands and
16 customary use areas and the access necessary to ex-
17 ercise those rights;

18 (18) the term “resource management activities”
19 means all activities performed in managing tribal
20 fish, wildlife, gathering, and related outdoor recre-
21 ation and resources, including but not limited to—

22 (A) the conduct of fish and wildlife popu-
23 lation and life history investigations, habitat in-
24 vestigations, habitat mitigation, enhancement,

1 rehabilitation and restoration projects and pro-
2 grams, harvest management, and use studies;

3 (B) the development and implementation
4 of surveys, inventories, geographic information
5 system programs, and integrated resource man-
6 agement plans for Indian lands, regional re-
7 source management areas or traditional use
8 areas;

9 (C) fish production and hatchery manage-
10 ment;

11 (D) the development, implementation, and
12 enforcement of tribal fish and wildlife codes, or-
13 dinances and regulations;

14 (E) the development of tribal conservation
15 programs, including employment and training
16 of tribal conservation enforcement officers;

17 (F) judicial services;

18 (G) public use and information manage-
19 ment and general administration; and

20 (H) participation in joint or cooperative
21 management of fish and wildlife resources on a
22 regional basis with Federal, State, tribal, local,
23 or international authorities;

24 (19) the term “Secretary” means the Secretary
25 of the U.S. Department of the Interior;

1 (20) The term “seafood” means any plant or
2 animal that may be gathered, collected, or harvested
3 in marine or fresh water;

4 (21) The term “traditional use area” means
5 lands that Indian tribes and their members have his-
6 torically, culturally, and geographically used for spir-
7 itual, social, political, economic, and sustenance pur-
8 poses;

9 (22) The term “tribal co-management” means
10 the sharing of decision-making, resource informa-
11 tion, and management responsibilities with one or
12 more governments in local, regional, national, and
13 international fish and wildlife resource management
14 processes;

15 (23) The term “tribal government” means the
16 governing body of an Indian tribe; and

17 (24) The term “tribal organization” has the
18 meaning given to such term in section 4 of the In-
19 dian Self-Determination and Educational Assistance
20 Act (25 U.S.C. 450b), including tribal fish and wild-
21 life organizations.

TITLE II—TRIBAL FISH AND WILDLIFE PROGRAMS

TRIBAL MANAGEMENT OF INDIAN FISH, WILDLIFE, AND
GATHERING RESOURCES

SEC. 201. MANAGEMENT OBJECTIVES.

(a) Consistent with provisions of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b et seq.), the Secretary shall support tribal administration of Indian fish and wildlife resource management activities to achieve the following objectives:

(1) To carry out the government-to-government relationship between Indian tribal governments and the United States in the management of Indian fish and wildlife resources.

(2) To protect Indian hunting, fishing, and gathering rights reserved by Indian tribe in treaties with the United States, or guaranteed to Indian tribes by the United States through statute, Executive Order, or court decree.

(3) To provide for the development and enhancement of the capacities of Indian tribal governments to manage Indian fish and wildlife resources.

(4) To protect, conserve and enhance Indian fish and wildlife resources that are important to the

1 subsistence, cultural enrichment, and economic de-
2 velopment of Indian communities.

3 (5) To promote the development and use of In-
4 dian fish and wildlife resources for the maximum
5 benefit of Indian people, by managing tribal re-
6 sources in accordance with tribally-developed inte-
7 grated resource management plans which provide for
8 the comprehensive management of all natural re-
9 sources.

10 (6) To selectively develop and increase produc-
11 tion of certain fish and wildlife resources.

12 (7) To support the inclusion of tribal co-man-
13 agement or cooperative activities in local, regional,
14 national, or international decision-making processes
15 and forums.

16 (8) To develop and increase the production of
17 fish, wildlife, and gathering resources so as to better
18 meet tribal subsistence, ceremonial, recreational, and
19 commercial needs.

20 (b) MANAGEMENT PROGRAM.—

21 (1) In order to achieve the objectives set forth
22 in subsection (a), the Secretary, in full consultation
23 with Indian tribal governments and tribal organiza-
24 tions, shall establish the Tribal Fish and Wildlife
25 Resource Management Program which shall be ad-

1 ministered consistent with the provisions of the In-
2 dian Self-Determination and Educational Assistance
3 Act (25 U.S.C. 450b et seq.).

4 (2) The Secretary shall promote tribal manage-
5 ment of tribal fish, wildlife, trapping, and gathering
6 resources, and implementation of this Act, through
7 contracts, cooperative agreements, or grants under
8 the Indian Self-Determination and Educational As-
9 sistance Act (25 U.S.C. 450b et seq.), or other Fed-
10 eral laws.

11 (3) Upon the request of an Indian tribal gov-
12 ernment or tribal organization, the Secretary shall
13 enter into a contract, cooperative agreement, or a
14 grant under the Indian Self-Determination and Edu-
15 cational Assistance Act with the tribal government
16 or tribal organization to plan, conduct, or administer
17 any program of the Department of the Interior, or
18 portion thereof, which affects tribal fish and wildlife
19 resources and which is currently administered by the
20 Secretary without regard to the agency or office of
21 the Department of the Interior or the organizational
22 level within the Department.

23 (4) Upon the request of an Indian tribal gov-
24 ernment or tribal organization, the Secretary shall
25 enter into a cooperative agreement with the tribal

1 government or tribal organization to address man-
2 agement issues affecting tribal fish and wildlife re-
3 sources.

4 (c) MANAGEMENT ACTIVITIES.—Tribal fish and wild-
5 life resource management activities carried out under the
6 program established in subsection (b) may include, but
7 shall not be limited to—

8 (1) the conduct of fish and wildlife population
9 and life history investigations, habitat investigations,
10 habitat mitigation, enhancement, rehabilitation and
11 restoration projects and programs, harvest manage-
12 ment, and use studies;

13 (2) the development and implementation of in-
14 tegrated resource management plans for tribal lands
15 or regional resource management areas, surveys, and
16 inventories;

17 (3) fish production and hatchery management;

18 (4) the development, implementation, and en-
19 forcement of tribal fish and wildlife codes, ordi-
20 nances, and regulations;

21 (5) the development of tribal conservation pro-
22 grams, including employment and training of tribal
23 conservation enforcement officers;

24 (6) judicial services;

1 (7) public use and information management
2 and general administration; and

3 (8) participation in joint or cooperative man-
4 agement of fish and wildlife resources on a regional
5 basis with Federal, State, tribal, and local or inter-
6 national authorities.

7 (d) SURVEY AND REPORT.—

8 (1) Upon the request of an Indian tribal gov-
9 ernment, the Secretary shall cause to be conducted
10 a survey for the reservation of that tribal govern-
11 ment, which shall include but not be limited to—

12 (A) a review of existing tribal codes, ordi-
13 nances, and regulations governing the manage-
14 ment of fish and wildlife resources;

15 (B) an assessment of the need to update
16 and revise tribal codes, ordinances, and regula-
17 tions governing tribal fish and wildlife resource
18 protection and use;

19 (C) a determination and documentation of
20 the needs for tribal conservation officers, tribal
21 fisheries, and wildlife biologists, and other pro-
22 fessionals to administer tribal fish and wildlife
23 resources management programs;

24 (D) an assessment of the need to provide
25 training to and develop curricula for tribal fish

1 and wildlife resource personnel, including tribal
2 conservation officers, tribal fisheries, and wild-
3 life biologists, and other professionals to admin-
4 ister tribal fish and wildlife resource manage-
5 ment programs;

6 (E) an assessment of the need for training
7 of Federal agency staff in matters pertaining to
8 Federal-tribal relations and the significance of
9 fish and wildlife to tribal communities;

10 (F) an assessment of the effects of Federal
11 resource management activities on tribal fish
12 and wildlife resources; and

13 (G) a determination and documentation of
14 the condition of tribal fish and wildlife re-
15 sources.

16 (2) The Secretary is authorized to enter into
17 contracts or provide grants to Indian tribal govern-
18 ments or tribal organizations under the authority of
19 the Indian Self-Determination and Educational As-
20 sistance Act for the purpose of carrying out the sur-
21 vey.

22 (3) Within one year of the date of enactment of
23 this Act, the Secretary shall submit to the Congress
24 a report on the results of the survey conducted
25 under the authority of subsection (1) of this section.

1 (e) TRIBAL FISH AND WILDLIFE RESOURCE MAN-
2 AGEMENT PLANS.—

3 (1) In order to fulfill the management objec-
4 tives set forth in subsection (a), a tribal fish and
5 wildlife resource management plan shall be devel-
6 oped and implemented in the following manner:

7 (A) pursuant to a self-determination con-
8 tract or self-governance compact under the au-
9 thority of the Indian Self-Determination and
10 Education Assistance Act, an Indian tribal gov-
11 ernment may develop or implement a tribal fish
12 and wildlife management plan.

13 (B) Subject to the provisions of subpara-
14 graph (C), the tribal government shall have
15 broad discretion in designing and carrying out
16 the planning process.

17 (C) If a tribal government elects not to
18 contract for the development or implementation
19 of a tribal fish and wildlife management plan,
20 the Secretary shall develop and implement the
21 plan in consultation with the affected tribal
22 government.

23 (D) Whether developed directly by the trib-
24 al government or by the Secretary, the plan
25 shall—

- 1 (i) determine the condition of fish and
2 wildlife resources and habitat conditions;
- 3 (ii) identify specific tribal fish and
4 wildlife resources goals and objectives;
- 5 (iii) establish management objectives
6 for fish and wildlife resources;
- 7 (iv) define critical values of the tribal
8 government and its members and provide
9 for comprehensive management objectives;
- 10 (v) be developed through public meet-
11 ings;
- 12 (vi) use the public meeting records,
13 existing survey documents, reports, and
14 other research from Federal agencies and
15 tribal colleges, State or community col-
16 leges, or other tribal education or research
17 institutions; and
- 18 (vii) be completed within three years
19 of the initiation of activity to establish the
20 plan.

21 (2) Tribal fish and wildlife management plans
22 developed and approved under this section shall gov-
23 ern the management and administration of tribal
24 fish and wildlife resources by the Bureau of Indian
25 Affairs and the Indian tribal government.

1 (f) TRIBAL MANAGEMENT IN REGIONAL RESOURCE
2 MANAGEMENT AREAS.—

3 (1) REVIEW.—To achieve the objectives set
4 forth in section 210(a), the Secretary and the Secre-
5 taries of Commerce and Agriculture shall review ex-
6 isting programs involving the multi-jurisdictional
7 management of fish, wildlife and gathering resources
8 in regional resource management areas, for the pur-
9 pose of determining the need for Indian representa-
10 tion, program adequacy and staffing needs to appro-
11 priately represent the interests of member tribes.

12 (2) CONTRACTS OR GRANTS.—The Secretary is
13 authorized to enter into contracts or provide grants
14 to Indian tribal governments or tribal organizations
15 under the authority of the Indian Self-Determination
16 and Educational Assistance Act for the purpose of
17 completing this review.

18 (3) REPORT.—Within one year of the date of
19 enactment of this Act, the Secretary, in consultation
20 with the Secretaries of Commerce and Agriculture,
21 shall submit a report to the Congress based upon
22 the review conducted under subsection (1) of this
23 section assessing fish and wildlife program adequacy
24 and staff needs, and the condition of fish and wild-

1 life resources in regional resource management
2 areas.

3 (g) ASSISTANCE.—The Secretary is authorized to
4 provide financial and technical assistance to enable Indian
5 tribal governments to—

6 (1) update and revise tribal codes, ordinances,
7 and regulations governing tribal fish and wildlife re-
8 source protection and use;

9 (2) employ tribal conservation officers, tribal
10 fisheries and wildlife biologists, and other profes-
11 sionals to administer Indian fish and wildlife re-
12 source management programs;

13 (3) providing training for tribal fish and wildlife
14 resource personnel including tribal conservation offi-
15 cers under a curriculum that incorporates law en-
16 forcement, fish and wildlife conservation, identifica-
17 tion and resource management principles and tech-
18 niques; and

19 (4) enable tribal governments and tribal con-
20 servation agencies to enter into cooperative law en-
21 forcement agreements, which may include provisions
22 for additional training and cross-deputization of
23 tribal law enforcement staff, with local, State, and
24 Federal jurisdiction for the enforcement of laws and
25 regulations pertaining to fish and wildlife resources.

1 (h) FEDERAL ACTIVITIES.—

2 (1) CONSULTATION AND COORDINATION.—In
3 conducting management activities under their re-
4 spective authorities, the Secretary, in coordination
5 with the Secretaries of Commerce and Agriculture,
6 shall—

7 (A) consult with and seek the participation
8 of Indian tribal governments on matters affect-
9 ing tribal fish and wildlife resources in a man-
10 ner consistent with the United States trust re-
11 sponsibility and the government-to-government
12 relationship between Indian tribal governments
13 and the United States;

14 (B) ensure that Federal agency staff are
15 adequately trained in issues pertaining to im-
16 pacts of agency actions on tribal fish and wild-
17 life resources;

18 (C) investigate opportunities for Indian
19 tribal governments to perform land manage-
20 ment activities on Federal land which affect
21 tribal fish and wildlife resources;

22 (D) develop a formal, written assessment
23 of how Federal resource management activities
24 are affecting tribal use of and access to tribal
25 fish and wildlife resources; and

1 (E) include rights reserved by tribal gov-
2 ernments in treaties with the United States in
3 assessments of environmental baselines.

4 (2) PROTECTION OF INFORMATION.—Notwith-
5 standing any other provision of law, the Secretary
6 shall not disclose, nor cause the disclosure of any in-
7 formation conveyed to an agency under the Sec-
8 retary’s administrative responsibilities pursuant to
9 this Act to any person, party, or entity, including
10 other Federal agencies, that is made available to the
11 Secretary by an Indian tribal government or a mem-
12 ber of an Indian tribe and which is—

13 (A) related to the administration of the
14 United States trust responsibility for Indian
15 lands and resources; and

16 (B) declared by the tribal government or
17 individual member of an Indian tribe to be cul-
18 turally-sensitive, proprietary, or in any manner
19 confidential.

20 (3) FEES AND ACCESS.—Upon the request of
21 an Indian tribal government, the Secretary and the
22 Secretary of Agriculture are authorized to—

23 (A) provide fish and wildlife resources to
24 an Indian tribal government from Federal lands
25 administered by agencies under their respective

1 administrative responsibility without permit or
2 charge to the Indian tribe having an historical
3 relationship to such lands, so long as—

4 (i) an agreement is entered into be-
5 tween the Indian tribal government and
6 the Secretary or Secretary of Agriculture
7 which contains sufficient information and
8 conditions regarding the location, quantity,
9 timing, and methods associated with the
10 provision of fish and wildlife resources to
11 ensure compatibility with applicable agency
12 management plans; and

13 (ii) the request does not adversely af-
14 fect the ability of the agency to carry out
15 its responsibilities under the applicable
16 management plan;

17 (B) provide access to Federal lands under
18 their respective administrative responsibility for
19 tribal traditional cultural or customary pur-
20 poses without permit or fee; and

21 (C) temporarily close to general public use,
22 one or more specific portions of Federal lands
23 under their respective administrative responsi-
24 bility in order to protect the privacy of the ac-
25 tivities referenced in subsection (B), provided

that any such closure shall be limited to the smallest practicable area for the minimum period necessary in a manner consistent with the purpose and intent of the American Indian Religious Freedom Act (42 U.S. C. 1996).

(4) EFFECT ON EXISTING RIGHTS.—Nothing in this section shall be construed to limit, modify, or amend existing rights of any Indian tribal government under treaty, statute, or other agreement to access and use fish and wildlife resources.

SEC. 202. EDUCATION IN TRIBAL FISH AND WILDLIFE RESOURCE MANAGEMENT.

(a) COOPERATIVE RESEARCH AND TRAINING PROGRAM.—

(1) The Secretary, the Secretary of Agriculture, the Secretary of Commerce, or other Federal agencies as appropriate, are authorized to enter into cooperative agreements with colleges and universities, tribal community colleges, Indian tribal governments, and tribal organizations, and with nonprofit organizations, for the establishment of cooperative research and training units.

(2) In order to facilitate the full development of research and training units and to support the educational objectives of this title, the Secretary, and

1 the Secretaries of Agriculture and Commerce, as
2 well as other Federal agencies, shall—

3 (A) assign appropriate scientific personnel
4 to serve at the cooperative unit, through the
5 agreement of the cooperating parties;

6 (B) apply Indian preference in hiring poli-
7 cies;

8 (C) provide financial assistance, including
9 reasonable compensation, for the work of re-
10 searchers on fish and wildlife ecology and re-
11 source management projects funded under this
12 Act or other authorizing legislation;

13 (D) supply equipment for the use of coop-
14 erative unit operations;

15 (E) provide for the incidental expenses of
16 Federal personnel and employees of cooperating
17 tribal governments and tribal organizations as-
18 sociated with cooperative units; and

19 (F) integrate cooperative research unit
20 programs with the training and educational op-
21 portunities and programs of Indian community
22 colleges to the greatest extent possible.

23 (b) SCHOLARSHIP PROGRAM.—

24 (1) The Secretary is authorized to provide nat-
25 ural resource management scholarships to Indians

1 enrolled as full-time students in accredited programs
 2 for post-secondary and graduate natural resource
 3 management-related fields of study.

4 (2) A natural resource management scholarship
 5 recipient shall be required to enter into an obligated
 6 service agreement in which the recipient agrees to
 7 accept employment, following the completion of the
 8 recipient's course of study, with an Indian tribal
 9 government, a tribal organization, the Bureau of In-
 10 dian Affairs, or the U.S. Fish and Wildlife Service
 11 for one year for each year the recipient receives
 12 scholarship assistance.

13 (3) The Secretary shall not deny scholarship as-
 14 sistance under this subsection solely on the basis of
 15 an applicant's scholastic achievement if the applicant
 16 has been admitted to and remains in good standing
 17 in an accredited post-secondary or graduate institu-
 18 tion.

19 (c) FISH AND WILDLIFE EDUCATION OUTREACH.—
 20 The Secretary shall conduct, with the full and active par-
 21 ticipation of Indian tribal governments, a natural resource
 22 education outreach program to explain and stimulate in-
 23 terest in all aspects of tribal natural resource management
 24 and to generate interest in natural resource management

1 careers, such as fisheries or wildlife biologists or in natural
 2 resource management.

3 (d) POSTGRADUATE RECRUITMENT.—The Secretary
 4 shall establish and maintain a program to attract profes-
 5 sional Indian fish and wildlife biologists, as well as profes-
 6 sionals in other natural resource management fields, who
 7 have graduated from post-secondary institutions or grad-
 8 uate schools for employment by Indian tribal governments,
 9 tribal organizations, the Bureau of Indian Affairs, or the
 10 U.S. Fish and Wildlife Service, in exchange for the Sec-
 11 retary's assumption of all or a portion of the professional's
 12 outstanding educational loans, depending upon the period
 13 of employment.

14 (e) FISH AND WILDLIFE BIOLOGIST INTERN PRO-
 15 GRAM.—

16 (1) The Secretary shall, with the full and active
 17 participation of Indian tribal governments, establish
 18 a Fish and Wildlife Resources Intern Program for at
 19 least 20 Indian fish and wildlife resources intern po-
 20 sitions.

21 (A) Intern positions shall be in addition to
 22 the forester intern positions authorized in sec-
 23 tion 314(a) of the National Indian Forest Re-
 24 sources Management Act (25 U.S.C. 3113(a)).

1 (B) Individuals selected to participate in
2 the intern program shall be enrolled full-time in
3 approved post-secondary institutions or grad-
4 uate schools in curricula leading to advanced
5 degrees in natural resource management-related
6 fields.

7 (C) The Secretary shall pay all costs of
8 tuition, books, fees, and living expenses in-
9 curred by Indian interns in natural resource
10 management programs while attending ap-
11 proved study programs.

12 (D) An Indian fish and wildlife resources
13 intern shall be required to enter into an obli-
14 gated service agreement to serve in a profes-
15 sional fish or wildlife resources management-re-
16 lated capacity with an Indian tribal govern-
17 ment, a tribal organization, the Bureau of In-
18 dian Affairs, or a U.S. Fish and Wildlife Serv-
19 ice program serving tribal fish and wildlife re-
20 sources management objectives, for one year for
21 each year of education for which the Secretary
22 assumes the intern's educational costs under
23 subsection (2).

24 (E) An Indian fish and wildlife resources
25 intern shall be required to report for service to

1 the employing entity during any break in the
2 intern's course of study of more than 3 weeks
3 duration. Time spent in such service shall be
4 counted toward satisfaction of the intern's obli-
5 gated service.

6 (f) COOPERATIVE EDUCATION PROGRAM.—

7 (1) The Secretary shall maintain a cooperative
8 education program for the purpose of recruiting
9 promising Indian students who are enrolled in sec-
10 ondary schools, tribal colleges, community colleges,
11 and other post-secondary institutions or graduate
12 schools for employment as professional fisheries or
13 wildlife biologists or other resource management re-
14 lated professional positions with an Indian tribal
15 government, a tribal organization, the Bureau of In-
16 dian Affairs, or with the U.S. Fish and Wildlife
17 Service serving or benefitting Indian lands.

18 (2) The Secretary shall pay all costs for tuition,
19 books, and fees of an Indian student who is enrolled
20 in a course of study at an educational institution
21 with which the Secretary has entered into a coopera-
22 tive agreement, and who is interested in pursuing a
23 career with an Indian tribal government, tribal orga-
24 nization, the Bureau of Indian Affairs, or the U.S.

1 Fish and Wildlife Service serving or benefitting In-
 2 dian lands.

3 (3) Financial need shall not be a requirement
 4 to receive assistance under the program authorized
 5 in paragraph (1).

6 (4) A recipient of assistance under the program
 7 authorized in paragraph (1) shall be required to
 8 enter into an obligated service agreement to serve as
 9 professional fish or wildlife biologist or other re-
 10 source management related professional with an In-
 11 dian tribal government, a tribal organization, the
 12 Bureau of Indian Affairs, or the U.S. Fish and
 13 Wildlife Service, for one year for each year that the
 14 Secretary assumes the recipient's educational costs
 15 pursuant to paragraph (2).

16 (g) PUBLIC EDUCATION REGARDING TRIBAL FISH
 17 AND WILDLIFE RESOURCES.—

18 (1) The Secretary is authorized to establish
 19 within the Secretary's office the position of Tribal
 20 Education Coordinator to—

21 (A) enhance communications between In-
 22 dian tribal governments and the United States
 23 relating to the management of tribal fish and
 24 wildlife resources or the role of tribal govern-

1 ments in the co-management of fish and wildlife
2 resources; and

3 (B) implement a program to educate the
4 public about the sovereign status of Indian trib-
5 al governments and the rights reserved by tribal
6 governments in treaties with the United States,
7 as well as the benefits of constructive relations
8 among tribal governments, State, and local gov-
9 ernments, and Federal agencies;

10 (2) The responsibilities and duties of the Tribal
11 Education Coordinator shall include—

12 (A) the development of an educational pro-
13 gram for local and State governments and Fed-
14 eral agencies regarding the United States obli-
15 gations to support and implement treaties, stat-
16 utes, executive orders and court decrees related
17 to the management of fish and wildlife re-
18 sources;

19 (B) encouraging Federal agencies and
20 State governments to establish and pursue co-
21 operative and collaborative government-to-gov-
22 ernment relationships with Indian tribal govern-
23 ments in the management of natural resources;
24 and

1 (C) providing reports to the Committee on
2 Indian Affairs of the U.S. Senate and the Com-
3 mittee on Resources of the U.S. House of Rep-
4 resentatives by September 30th of each year on
5 the progress of the Tribal Education Coordi-
6 nator in carrying out these activities.

7 (h) ADEQUACY OF PROGRAMS.—The Secretary shall
8 provide administrative oversight of the programs described
9 in this section until a sufficient number of Indian per-
10 sonnel are available to administer tribal fish and wildlife
11 resource management programs on tribal lands and re-
12 source management areas.

13 (i) OBLIGATED SERVICE; BREACH OF CONTRACT.—

14 (1) OBLIGATED SERVICE.—Where an individual
15 enters into an agreement for obligated service in re-
16 turn for financial assistance under any provision of
17 this section, the Secretary shall promulgate such
18 regulations as are necessary to provide for an offer
19 of employment to the recipient of such assistance as
20 required by such provision. Where an offer of em-
21 ployment is not reasonably made, the regulations
22 shall provide that such service shall no longer be re-
23 quired.

24 (2) BREACH OF CONTRACT.—Where an indi-
25 vidual fails to accept a reasonable offer of employ-

1 ment in fulfillment of such obligated service or un-
2 reasonably terminates or fails to perform the duties
3 of such employment, the Secretary shall require a
4 repayment of the financial assistance provided to the
5 individual by the Secretary, pro rated for the
6 amount of time of obligated service that was per-
7 formed, together with interest on such amount which
8 would be payable if at the time the amounts were
9 paid, they were loans bearing interest at the max-
10 imum legal prevailing rate, as determined by the
11 Secretary of the Treasury.

12 **SEC. 203. TRIBAL FISH HATCHERY ASSISTANCE PROGRAM.**

13 (a) PROGRAM.—The Secretary, in consultation with
14 the Secretary of Commerce, and with the full and active
15 participation of Indian tribal governments, shall establish
16 and administer a Tribal Fish Hatchery Assistance pro-
17 gram for the production and distribution of fish of the
18 species, strain, number, size, and quality to assist Indian
19 tribal governments to develop tribal hatcheries and en-
20 hance fishery resources on tribal lands to meet tribal re-
21 source needs, including but not limited to tribal subsist-
22 ence, ceremonial and commercial fishery needs.

23 (b) REPORT.—Within one year of the date of enact-
24 ment of this Act, the Secretary, in consultation with the
25 Secretary of Commerce, and with the full and active par-

1 participation of Indian tribal governments, shall submit a re-
 2 port to the Congress which shall—

3 (1) identify the facilities that comprise the
 4 Tribal Fish Hatchery Program;

5 (2) the maintenance, rehabilitation, and the
 6 construction needs of such facilities;

7 (3) identify criteria and procedures to be used
 8 in evaluating and ranking fish hatchery maintenance
 9 and rehabilitation project proposals submitted by In-
 10 dian tribal governments; and

11 (4) provide a plan for the administration and
 12 cost-effective operation of the Tribal Fish Hatchery
 13 Assistance Program.

14 (c) CONTRACTS.—The Secretary, and the Secretary
 15 of Commerce, are authorized to enter into a contract or
 16 annual funding agreement under the authority of the In-
 17 dian Self-Determination and Educational Assistance Act
 18 with an Indian tribal government to plan, conduct, and
 19 administer the Tribal Fish Hatchery Program, or any por-
 20 tion of the Program.

21 (d) FISH HATCHERY OPERATING AGREEMENTS.—
 22 Upon the petition of an Indian tribal government or a trib-
 23 al organization seeking to co-manage a facility or complex
 24 of facilities, the Secretary, and the Secretary of Com-
 25 merce, are authorized to enter into agreements with enti-

1 ties owning or operating hatcheries defined under section
 2 103(5)(B) of this Act and an Indian tribal government
 3 or tribal organization which provides for the manner in
 4 which each hatchery facility is to be operated so as to miti-
 5 gate or recover tribal fish resources subject to rights re-
 6 served by the tribal government in treaties with the United
 7 States.

8 **TITLE III—ALASKA NATIVE FISH** 9 **AND WILDLIFE PROGRAMS**

10 **SEC. 301. DEFINITIONS.**

11 For purposes of this title—

12 (1) the term “Alaska Native” means a citizen
 13 of the United States who is a person of one-fourth
 14 degree or more Alaska Indian (including Tsimshian
 15 Indians not enrolled in the Metlakatla Indian Com-
 16 munity) Eskimo, or Aleut blood, or combination
 17 thereof, including, in the absence of proof of a min-
 18 imum blood quantum, any citizen of the United
 19 States who is regarded as an Alaska Native by the
 20 Native village or Native group of which he claims to
 21 be a member and whose father or mother is, or, if
 22 deceased, was regarded as an Alaska Native by any
 23 village or group, as defined in section 1602(b) of the
 24 Alaska Native Claims Settlement Act;

1 (2) the term “Native village” means “any tribe,
2 band, clan, group, village, community, or association
3 in the State of Alaska listed in sections 1610 and
4 1615 of this title, and which the Secretary deter-
5 mines was, on the 1970 census enumeration date,
6 composed of twenty-five or more Natives” as defined
7 in section 1602(c) of the Alaska Native Claims Set-
8 tlement Act;

9 (3) the term “Regional Corporation” means an
10 Alaska Native Regional Corporation established
11 under the laws of the State of Alaska as defined in
12 section 1602(g) of the Alaska Native Claims Settle-
13 ment Act;

14 (4) the term “Village Corporation” means an
15 Alaska Native Village Corporation organized under
16 the laws of the State of Alaska as a business for
17 profit or non-profit corporation to hold, invest, man-
18 age, and/or distribute lands, property, funds, and
19 other rights and assets for and in behalf of a Native
20 Village as defined in section 1602(j) of the Alaska
21 Native Claims Settlement Act; and

22 (5) the term “Alaska Native fish and wildlife
23 organization” means a commission, authority or
24 other entity chartered for the primary purpose of as-

1 sisting in the development of tribal natural resource
2 management capacity and technical capabilities.

3 **SEC. 302. MANAGEMENT OF ALASKA NATIVE TRIBAL GOV-**
4 **ERNMENT INDIAN FISH AND WILDLIFE RE-**
5 **SOURCE MANAGEMENT PROGRAMS IN ALAS-**
6 **KA.**

7 (a) MANAGEMENT OBJECTIVES.—Consistent with
8 provisions of the Indian Self-Determination and Edu-
9 cational Assistance Act (25 U.S.C. 450b et seq.), the Sec-
10 retary shall support tribal administration of Indian fish
11 and wildlife resource management activities to achieve the
12 following objectives:

13 (1) To carry out the government-to-government
14 relationship between Indian tribal governments and
15 the United States in the management of Indian fish
16 and wildlife resources.

17 (2) To provide for the development and en-
18 hancement of the capacity of Indian tribal govern-
19 ments to participate in management of Indian fish
20 and wildlife resources.

21 (3) To protect, conserve and enhance Indian
22 fish and wildlife resources.

23 (4) To promote the development and use of In-
24 dian fish and wildlife resources for the maximum
25 benefit of Alaska Native people, by managing Indian

1 fish and wildlife resources in accordance with trib-
2 ally-developed integrated resource management plans
3 which provide for the cooperative management of all
4 natural resources within tribal lands.

5 (5) To selectively develop and increase produc-
6 tion of certain Indian fish and wildlife resources.

7 (6) To support the inclusion of Alaska Native
8 tribal co-management or cooperative activities in
9 local, regional, State, national, or international deci-
10 sion-making processes and forums.

11 (7) To develop and increase the production of
12 fish, wildlife and gathering resources so as to better
13 meet Alaska Native subsistence, ceremonial, rec-
14 reational and commercial needs.

15 (b) MANAGEMENT PROGRAM.—

16 (1) In order to achieve the objectives set forth
17 in subsection (a), the Secretary, in full consultation
18 with Indian tribal governments and Alaska Native
19 fish and wildlife organizations, shall establish the
20 Alaska Native Fish and Wildlife Resource Manage-
21 ment Program which shall be administered con-
22 sistent with the provisions of the Indian Self-Deter-
23 mination and Educational Assistance Act (25 U.S.C.
24 450b et seq.).

1 (2) The Secretary shall promote meaningful In-
2 dian tribal government involvement in the manage-
3 ment of Indian fish and wildlife resources, and im-
4 plementation of this Act, through contracts, com-
5 pacts, cooperative agreements, or grants under the
6 Indian Self-Determination and Educational Assist-
7 ance act (25 U.S.C. 450b et seq.), or other Federal
8 laws.

9 (3) Upon the request of an Indian tribal gov-
10 ernment or Alaska Native fish and wildlife organiza-
11 tion, the Secretary shall enter into a contract, com-
12 pact, cooperative agreement, or a grant under the
13 Indian Self-Determination and Educational Assist-
14 ance Act with the Indian tribal government or Alas-
15 ka Native fish and wildlife organization to plan, con-
16 duct, or administer any program of the Department
17 of the Interior, or portion thereof, which affects In-
18 dian fish and wildlife resources, and which is cur-
19 rently administered by the Secretary without regard
20 to the agency or office of the Department of the In-
21 terior or the organizational level within the Depart-
22 ment.

23 (4) Upon the request of an Indian tribal gov-
24 ernment or Alaska Native fish and wildlife organiza-
25 tion, the Secretary shall enter into a cooperative

1 agreement with the tribal government or Alaska Na-
2 tive fish and wildlife organization to address man-
3 agement issues affecting Indian fish and wildlife re-
4 sources.

5 (c) MANAGEMENT ACTIVITIES.—Indian fish and
6 wildlife resource management activities carried out under
7 the program established in subsection (b) may include, but
8 shall not be limited to:

9 (1) the conduct of fish and wildlife population
10 and life history investigations, habitat investigations,
11 habitat mitigation, enhancement, rehabilitation and
12 restoration projects and programs, harvest manage-
13 ment, and use studies;

14 (2) the development and implementation of in-
15 tegrated resource management plans for tribal lands
16 or traditional use areas;

17 (3) fish and other aquatic species production
18 and hatchery management;

19 (4) the development, implementation, and en-
20 forcement of Indian tribal government fish and wild-
21 life codes, ordinances, and regulations;

22 (5) the development of Indian tribal govern-
23 ment conservation programs, including employment
24 and training of tribal conservation enforcement offi-
25 cers;

1 (6) judicial services;

2 (7) public use and information management
3 and general administration; and

4 (8) participation in joint or cooperative man-
5 agement of fish and wildlife resources on a regional
6 basis with Federal, State, tribal, and local or inter-
7 national authorities.

8 (d) SURVEY AND REPORT.—

9 (1) Upon the request of an Indian tribal gov-
10 ernment, the Secretary shall cause to be conducted
11 a survey of the traditional use area of that tribal
12 government, which shall include but not be limited
13 to:

14 (A) a review of existing Indian tribal gov-
15 ernment codes, ordinances, and regulations gov-
16 erning their members and others in relation to
17 the management of Indian fish and wildlife re-
18 sources;

19 (B) an assessment of the need to update
20 and revise Indian tribal government codes, ordi-
21 nances, and regulations governing Indian fish
22 and wildlife resource protection and use;

23 (C) a determination and documentation of
24 the needs for tribal conservation officers, tribal
25 fisheries and wildlife biologists, tribal fisheries

1 and wildlife technicians, and other professionals
2 to administer and implement Indian fish and
3 wildlife resources management programs;

4 (D) an assessment of the need to provide
5 training to and develop curricula for tribal fish
6 and wildlife resource personnel, including tribal
7 conservation officers, tribal fisheries and wild-
8 life biologists, tribal fisheries and wildlife tech-
9 nicians, and other professionals to administer
10 and implement tribal fish and wildlife resource
11 management programs. Such curricula shall in-
12 clude the incorporation of traditional ecological
13 knowledge as well as the traditional;

14 (E) an assessment of the need for training
15 of Federal agency staff in matters pertaining to
16 the relations between the United States and In-
17 dian tribes and the significance of Indian fish
18 and wildlife to Native villages;

19 (F) an assessment of the effects of Federal
20 and State resource management activities on
21 Indian fish, and wildlife resources; and

22 (G) a determination and documentation of
23 the condition of those Indian fish and wildlife
24 resources.

1 (2) The Secretary is authorized to enter into
2 contracts, compacts, or provide grants to Indian
3 tribal governments or Alaska Native fish and wildlife
4 organizations under the authority of the Indian Self-
5 Determination and Educational Assistance Act for
6 the purpose of carrying out the survey.

7 (3) Within one year of the date of enactment of
8 this Act, the Secretary shall submit to the Congress
9 a report on the results of the survey conducted
10 under the authority of subsection (1) of this section.

11 (e) INDIAN FISH AND WILDLIFE RESOURCE MAN-
12 AGEMENT PLANS.—

13 (1) In order to fulfill the management objec-
14 tives set forth in subsection (a), an Indian fish and
15 wildlife resource management plan shall be devel-
16 oped and implemented in the following manner:

17 (A) Pursuant to a self-determination con-
18 tract or self-governance compact under the au-
19 thority of the Indian Self-Determination and
20 Education Assistance Act, an Indian tribal gov-
21 ernment or an Alaska Native fish and wildlife
22 organization may develop or implement an In-
23 dian fish and wildlife management plan.

24 (B) Subject to the provisions of subpara-
25 graph (C), the Indian tribal government shall

1 have broad discretion in designing and carrying
2 out the planning process.

3 (C) If an Indian tribal government elects
4 not to contract for the development or imple-
5 mentation of a tribal fish and wildlife manage-
6 ment plan, the Secretary shall develop and im-
7 plement the plan in consultation with the af-
8 fected tribal government.

9 (D) Whether developed directly by the trib-
10 al government or by the Secretary, the plan
11 shall—

12 (i) determine the condition of Indian
13 fish and wildlife resources and habitat con-
14 ditions;

15 (ii) identify specific Indian fish and
16 wildlife resources goals and objectives;

17 (iii) establish cooperative management
18 objectives for Indian fish and wildlife re-
19 sources;

20 (iv) define critical values of the Indian
21 tribal government and its members and
22 provide for comprehensive management ob-
23 jectives;

24 (v) be developed through a public
25 meeting process;

1 (vi) apply the public meeting records,
 2 existing survey documents, reports, and
 3 other research from Federal and State
 4 agencies, community colleges, or other edu-
 5 cation or research institutions; and

6 (vii) be completed within three years
 7 of the initiation of activity to establish the
 8 plan.

9 (2) An Indian fish and wildlife management
 10 plan developed and approved under this section shall
 11 govern the management and administration of In-
 12 dian fish and wildlife resources by the Bureau of In-
 13 dian Affairs and the tribal government.

14 (f) TRIBAL MANAGEMENT IN TRADITIONAL USE
 15 AREAS.—

16 (1) REVIEW.—To achieve the objectives set
 17 forth in section 302(a), the Secretary and the Secre-
 18 taries of Commerce and Agriculture shall review ex-
 19 isting programs involving the management of Indian
 20 fish and wildlife resources in the traditional use
 21 areas of Indian tribal governments, for the purpose
 22 of determining the need for the meaningful involve-
 23 ment of tribal governments, program adequacy, and
 24 staffing needs to appropriately represent the inter-
 25 ests of tribal governments.

1 (2) CONTRACTS OR GRANTS.—The Secretary is
2 authorized to enter into contracts, compacts, or pro-
3 vide grants to Indian tribal governments or Alaska
4 Native fish and wildlife organizations under the au-
5 thority of the Indian Self-Determination and Edu-
6 cational Assistance Act for the purpose of com-
7 pleting this review.

8 (3) REPORT.—Within one year of the date of
9 enactment of this Act, the Secretary, in consultation
10 with the Secretaries of Commerce and Agriculture,
11 shall submit a report to the Congress based upon
12 the review conducted under subsection (1) of this
13 section assessing fish and wildlife program adequacy
14 and staff needs, and the condition of Indian fish and
15 wildlife resources in the traditional use areas of trib-
16 al governments.

17 (g) ASSISTANCE.—The Secretary is authorized to
18 provide financial and technical assistance to enable Indian
19 tribal governments to—

20 (1) update and revise tribal government codes,
21 ordinances, and regulations governing Indian fish
22 and wildlife resource protection and use;

23 (2) employ tribal conservation officers, tribal
24 fisheries and wildlife biologists, tribal fish and wild-
25 life technicians, and other professionals to admin-

1 ister and implement Indian fish and wildlife resource
2 management programs;

3 (3) provide training for tribal fish and wildlife
4 resource personnel including tribal conservation offi-
5 cers under a curriculum that incorporates law en-
6 forcement, fish and wildlife conservation, identifica-
7 tion and resource management principles and tech-
8 niques. Such curricula shall also include the incorpo-
9 ration of traditional ecological knowledge as well as
10 the traditional management strategies and tech-
11 niques of Alaska Native people; and

12 (4) enable tribal governments and Alaska Na-
13 tive fish and wildlife organizations to enter into co-
14 operative law enforcement agreements, which may
15 include provisions for additional training and cross-
16 deputization of tribal law enforcement staff, with
17 local, State and Federal jurisdiction for the enforce-
18 ment of laws and regulations pertaining to Indian
19 fish and wildlife resources.

20 (h) FEDERAL ACTIVITIES.—

21 (1) CONSULTATION AND COORDINATION.—In
22 conducting management activities under their re-
23 spective authorities, the Secretary, in coordination
24 with the Secretaries of Commerce and Agriculture,
25 shall—

1 (A) consult with and seek the participation
2 of Indian tribal governments on all matters af-
3 fecting Indian fish and wildlife resources in a
4 manner consistent with the United States trust
5 responsibility,

6 (B) ensure that Federal agency staff are
7 adequately trained in issues pertaining to im-
8 pacts of agency actions on Indian fish and wild-
9 life resources;

10 (C) investigate opportunities for Indian
11 tribal governments to perform cooperative land
12 management activities on Federal and other
13 lands that affect Indian fish and wildlife re-
14 sources; and

15 (D) develop a formal, written assessment
16 of how Federal resource management activities
17 are affecting tribal use of and access to Indian
18 fish and wildlife resources and the traditional
19 use areas of Indian tribal governments.

20 (2) PROTECTION OF INFORMATION.—Notwith-
21 standing any other provision of law, the Secretary
22 shall not disclose, nor cause the disclosure of any in-
23 formation conveyed to an agency under the Sec-
24 retary's administrative responsibilities pursuant to
25 this Act to any person, party, or entity, including

1 other Federal agencies, that is made available to the
2 Secretary by an Indian tribal government or a mem-
3 ber of an Indian tribe and which is—

4 (A) related to the administration of the
5 United States trust responsibility for Indian
6 lands and resources; and

7 (B) declared by the tribal government or
8 individual member of an Indian tribe to be cul-
9 turally-sensitive, proprietary, or in any manner
10 confidential.

11 (3) FEES AND ACCESS.—Upon the request of
12 an Indian tribal government, the Secretary and the
13 Secretary of Agriculture are authorized to—

14 (A) provide fish and wildlife resources to
15 an Indian tribal government from Federal lands
16 administered by agencies under their respective
17 administrative responsibility without permit or
18 charge to the Indian tribe having an historical,
19 cultural, or geographical relationship to such
20 lands, so long as—

21 (i) an agreement is entered into be-
22 tween the Indian tribal government and
23 the Secretary or Secretary of Agriculture
24 which contains sufficient information and
25 conditions regarding the location, quantity,

1 timing, and methods associated with the
2 provision of Indian fish and wildlife re-
3 sources to ensure compatibility with appli-
4 cable agency management plans; and

5 (ii) the request does not adversely af-
6 fect the ability of the agency to carry out
7 its responsibilities under the applicable
8 management plan;

9 (B) provide access to Federal lands under
10 their respective administrative responsibility for
11 tribal traditional cultural or customary pur-
12 poses without permit or fee; and

13 (C) temporarily close to general public use,
14 one or more specific portions of Federal lands
15 under their respective administrative responsi-
16 bility in order to protect the privacy of the ac-
17 tivities referenced in subsection (B), provided
18 that any such closure shall be limited to the
19 smallest practicable area for the minimum pe-
20 riod necessary in a manner consistent with the
21 purpose and intent of the American Indian Re-
22 ligious Freedom Act (42 U.S.C. 1996).

23 (4) EFFECT ON EXISTING RIGHTS.—Nothing in
24 this section shall be construed to limit, modify, or
25 amend existing rights of any Indian tribal govern-

1 ment under statute or other agreement to access and
2 use Indian fish and wildlife resources.

3 **SEC. 303. ALASKA NATIVE TRIBAL GOVERNMENT SEAFOOD**
4 **AND RESOURCE MARKETING ASSISTANCE**
5 **PROGRAM.**

6 (a) The Secretary of Commerce shall establish an
7 Alaska Native Seafood and Resource Marketing Assist-
8 ance Program to enable participating Indian tribal govern-
9 ments and Alaska Native fish and wildlife organizations
10 to develop the necessary infrastructure and marketing sys-
11 tems to effectively promote their products domestically
12 and internationally.

13 (b) Within one year of the date of enactment of this
14 Act, working with participating Indian tribal governments,
15 the Secretary of Commerce shall develop and submit a re-
16 port to the Committee on Indian Affairs of the U.S. Sen-
17 ate and the Committee on Resources of the U.S. House
18 of Representatives, that contains recommendations for
19 legislation to provide subsidies and other Federal support,
20 permissive taxing and coordinated training, promotions,
21 and Alaska Native Tribal product labeling as well as other
22 initiatives, that hold the potential to significantly enhance
23 the ability of tribal governments to assure that fair and
24 equitable prices are associated with seafood, bison, rein-

1 deer, muskox, yak, and other produced and harvested nat-
 2 ural resources related products.

3 (c) Within one year of the date of enactment of this
 4 Act, the U.S. Food and Drug Administration, in consulta-
 5 tion with Indian tribal governments, shall prepare a report
 6 to the Committee on Indian Affairs of the U.S. Senate
 7 and the Committee on Resources of the U.S. House of
 8 Representatives, that contains recommendations for legis-
 9 lation that would enable Indian tribal governments to be
 10 recognized as competent processing authorities as well as
 11 recommendations for the provision of technical assistance
 12 to tribal enterprises so as to ensure that seafood, buffalo,
 13 reindeer, muskox, yak, and other harvested natural re-
 14 source products are safe for consumption.

15 **TITLE IV—TRIBAL SEAFOOD AND** 16 **RESOURCE MARKETING AS-** 17 **SISTANCE PROGRAM**

18 **SEC. 401. ESTABLISHMENT.**

19 (a) The Secretary of Commerce shall establish a Trib-
 20 al Seafood and Resource Marketing Assistance Program
 21 to enable participating Indian tribal governments and trib-
 22 al organizations to develop the necessary infrastructure
 23 and marketing systems to effectively promote their prod-
 24 ucts domestically and internationally.

1 (b) Within one year of the date of enactment of this
2 Act, working with participating Indian tribal governments,
3 the Secretary of Commerce shall develop and submit a re-
4 port to the Committee on Indian Affairs of the U.S. Sen-
5 ate and the Committee on Resources of the U.S. House
6 of Representatives, that contains recommendations for
7 legislation to provide subsidies and other Federal support,
8 permissive taxing and coordinated training and pro-
9 motions, as well as other initiatives, that hold the potential
10 to significantly enhance the ability of tribal governments
11 to assure that fair and equitable prices are associated with
12 harvested natural resources and seafood products.

13 (c) Within one year of the date of enactment of this
14 Act, the U.S. Food and Drug Administration, in consulta-
15 tion with Indian tribal governments, shall prepare a report
16 to the Committee on Indian Affairs of the U.S. Senate
17 and the Committee on Resources of the U.S. House of
18 Representatives, that contains recommendations for legis-
19 lation that would enable Indian tribal governments to be
20 recognized as competent processing authorities as well as
21 recommendations for the provision of technical assistance
22 to tribal enterprises so as to ensure that seafood and other
23 harvested natural resource products are safe for consump-
24 tion.

25 (d) Health Issues. [to be developed]

1 **SEC. 402. MARKETING DEVELOPMENT GRANTS AND LOAN**
2 **PROGRAM. [to be developed]**

3 (a) GRANTS FOR MARKET RESEARCH AND PILOT
4 PROGRAMS.

5 (b) LOANS FOR INFRASTRUCTURE DEVELOPMENT.

6 **TITLE V—TRIBAL BISON CON-**
7 **SERVATION AND MANAGE-**
8 **MENT [to be developed]**

9 **TITLE VI—MISCELLANEOUS**
10 **PROVISIONS**

11 **SEC. 601. REGULATIONS.**

12 Except as otherwise provided by this Act, the Sec-
13 retary shall promulgate final regulations for the imple-
14 mentation of this Act within 18 months of the date of en-
15 actment of this Act with the full and active participation
16 of Indian tribal governments.

17 **SEC. 602. SEVERABILITY.**

18 If any section or provision of this Act is held invalid,
19 it is the intent of the Congress that the remaining sections
20 or provisions shall continue in full force and effect.

21 **SEC. 603. SAVINGS.**

22 (a) Nothing in this Act shall be construed to—

23 (1) diminish or expand the United States trust
24 responsibility for tribal fish and wildlife resources, or
25 any legal obligation or remedy arising out of the
26 United States trust responsibility;

1 (2) alter, abridge, repeal, or affect any valid,
2 existing agreement between an agency of the United
3 States and an Indian tribal government;

4 (3) alter, abridge, diminish, repeal, or affect the
5 reserved rights of any Indian tribal government es-
6 tablished by treaty, executive order, or other applica-
7 ble laws or court decrees.

8 **TITLE VII—AUTHORIZATION OF**
9 **APPROPRIATIONS**

10 There are authorized to be appropriated such sums
11 as may be necessary to carry out the purposes of this Act.

